

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: MARY GRACE PRUCHNIC, Debtor, PNC BANK, NATIONAL ASSOCIATION, Movant/Claimant, v. MARY GRACE PRUCHNIC, and RONDA J. WINNECOUR, Ch. 13 Trustee Respondents	Bankruptcy No. 08-20895 Chapter 13 Related to Doc. No. 57
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MOTION TO REOPEN BANKRUPTCY PURSUANT TO 11 U.S.C. § 350(b)

AND NOW, comes Claimant, PNC Bank, National Association (the “Claimant”), by and through its undersigned counsel, and files this Motion to Reopen Bankruptcy Pursuant to 11 U.S.C. § 350(b), representing as follows:

The Parties

1. PNC Bank, National Association is a national bank with offices in Philadelphia, PA.
2. Respondents, Mary Grace Pruchnic, filed for bankruptcy protection pursuant to Chapter 13 of the Bankruptcy Code on February 14, 2008.
3. Ronda J. Winnecour is the duly appointed Chapter 13 Trustee (“Trustee”) and is currently acting in such capacity.

Jurisdiction and Venue

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. §§ 347 and 350 and 28 U.S.C. § 2041, et seq.

Factual Background

5. On or about February 28, 2008, Claimant's predecessor in interest, CLC Consumer Svcs., filed a Proof of Claim in the present bankruptcy in the amount of \$7,043.99 at Claim No. 3.

6. At the time the Proof of Claim was filed, CLC Consumer Svcs. was the owner of the claim.

7. The original dividend check was sent to a CLC Consumer Svcs. at 2730 Libert Ave., Pittsburgh, PA 15222. That address is no longer valid.

8. CLC Consumer Services and CLC Consumer Services Co are trademarks of PNC Bank, National Association.

9. On April 9, 2013, the Trustee filed a Receipt of Funds Received for Deposit into Registry Account. Receipt Number 6341, Fee Amount \$2,380.87 with the Clerk, U.S. Bankruptcy Court (the "Clerk"). The Trustee stated that the check represented unclaimed funds owed to CLC Consumer Svcs.. As shown above, Claimant is the owner of those funds.

10. Claimant changed their payment address and did not receive the \$2,380.87 referenced in the Report as being monies to be distributed to Claimant.

11. Pursuant to 11 U.S.C. § 350(b), Claimant requests that this Honorable Court reopen the present bankruptcy so that the Court may rule upon a Motion for Order Directing Payment of Funds to Claimant that will be concurrently filed with this Motion. Section 350(b)

states that “[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, of for other cause.”

WHEREFORE, Claimant, PNC Bank, National Association, respectfully requests that this Honorable Court reopen the present bankruptcy and grant the Claimant’s Motion for Order Directing Payment of Funds to Claimant.

Respectfully submitted,

By: /s/ David L. Zive
David L. Zive, Esquire
Senior Counsel
PNC Bank, National Association
PA I.D. # 56309
david.zive@pnc.com
1600 Market Street, 28th Floor
Philadelphia, PA 19103
215-585-6351

By: /s/ William E. Kelleher, Jr.
William E. Kelleher, Jr.
PA I.D. 30747
COHEN & GRIGSBY, P.C.
625 Liberty Avenue
Pittsburgh PA 15222-3152
Phone: 412-297-4703
Fax: 412-209-0672
wkelleher@cohenlaw.com

Attorneys for Claimant, PNC Bank,
National Association

Dated: May 29, 2014